

Judge Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW JASON GRIFFIN,

Defendant.

NO. CR19-042-RSL

~~[Proposed]~~

**PRELIMINARY
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States of America's Motion for Entry of a Preliminary Order of Forfeiture seeking to forfeit, to the United States, Defendant Matthew Jason Griffin's interest in the following property:

1. One Sig Sauer, Model P320 Subcompact, 9 mm Parabellum caliber pistol, bearing serial number 58A017288;
2. One Benelli, Model Nova, 12 gauge shotgun bearing serial number Z244778;
3. One Remington, Model 870, 12 gauge shotgun bearing serial number AB745352M;
4. One Remington Arms Co., Inc. Model 870 shotgun bearing serial number B847763M;
5. One Remington, Model 870 Wingmaster Magnum, 20 gauge shotgun bearing serial number S976013N;

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- 1 6. One Savage Arms, Springfield Model 944, 20 gauge shotgun bearing serial
- 2 number P410683;
- 3 7. One Colt, Government Model MKIV/Series 70, 9mm Luger caliber pistol
- 4 bearing serial number 70L26563;
- 5 8. One Kahr Arms, Model CW40, .40 S&W caliber pistol bearing serial number
- 6 FD6052; and
- 7 9. Any associated ammunition.

8 The Court, having reviewed the record, FINDS:

9 The above-identified property is forfeitable pursuant to 18 U.S.C. § 924(d)(1) and
10 28 U.S.C. § 2461(c) as firearms and ammunition used or intended to be used in the
11 Defendant's commission of the crimes of Felon in Possession of a Firearm, in violation
12 of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), and Possession of a Firearm in Furtherance of a
13 Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c), to which the Defendant has
14 pled guilty. Dkt. Nos. 28, 35; and,

15 In his Plea Agreement, the Defendant agreed to forfeit his interest in any firearms,
16 ammunition, or accessories used or intended to be used in such offenses, including the
17 above-identified firearms and ammunition, pursuant to 18 U.S.C. § 924(d)(1) and
18 28 U.S.C. § 2461(c). Dkt. No. 35, ¶ 6.

19 THEREFORE, THE COURT ORDERS:

- 20 1) Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. 2461(c), the Defendant's
- 21 interest in the above-identified property is fully and finally forfeited to the United States;
- 22 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
- 23 become final as to the Defendant at the time the Defendant is sentenced, it will be made
- 24 part of the sentence, and it will be included in the judgment;
- 25 3) The United States Department of Justice, and/or its authorized agents or
- 26 representatives, shall maintain the above-identified property in its custody and control
- 27 until further order of this Court;
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1 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
2 United States shall publish notice of this Preliminary Order and the United States' intent
3 to dispose of the property as permitted by governing law. The notice shall be posted on
4 an official government website—www.forfeiture.gov—for at least thirty (30) days. For
5 any person known to have alleged an interest in the property, the United States shall also,
6 to the extent possible, provide direct written notice to that person. The notice shall state
7 that any person, other than the Defendant, who has or claims a legal interest in the above-
8 identified property must file a petition with the Court within sixty (60) days of the first
9 day of publication of the notice (which is thirty (30) days from the last day of
10 publication), or within thirty (30) days of receipt of direct written notice, whichever is
11 earlier. The notice shall advise all interested persons that the petition:

- 12 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged
13 interest in the property;
14 b. shall be signed by the petitioner under penalty of perjury; and
15 c. shall set forth the nature and extent of the petitioner's right, title, or interest
16 in the property, as well as any facts supporting the petitioner's claim and
17 the specific relief sought;

18 5) If no third-party petition is filed within the allowable time period, the
19 United States shall have clear title to the property, and this Preliminary Order shall
20 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);


21 6) If a third-party petition is filed, if necessary, discovery may be conducted in
22 accordance with the Federal Rules of Civil Procedure before any hearing is conducted on
23 the petition. Following adjudication of any third-party petitions, the Court will enter a
24 Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n),
25 reflecting that adjudication; and

26 7) The Court will retain jurisdiction for the purpose of enforcing this
27 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of

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1 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
2 Fed. R. Crim. P. 32.2(e).

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4 DATED this 5th day of December, 2019.

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8 THE HONORABLE ROBERT S. LASNIK
9 UNITED STATES DISTRICT JUDGE

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14 Presented by:

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